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Institucioni i Avokatit të Popullit • Institucija Ombudsmana • Ombudsperson Institution

REPORT

OF

OMBUDSPERSON

Ex officio

C. no. 293/2023

on the impact of corruption on human rights in Kosovo

To:

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PURPOSE OF THE REPORT

1. In accordance with its constitutional and legal mandate, the Ombudsperson examines the actions or omissions of public authorities to the extent that they may result in violations of human rights. These actions or omissions of public authorities may occur because they may be motivated by corruption. Corruption in this respect affects unfounded and non-objective decision-making, diverts public resources and enables arbitrariness in the functioning of public authorities, thereby undermining trust in institutions and weakening the effectiveness of legal and administrative guarantees.
2. Although the country has adopted a broad legal framework and has put in place a number of mechanisms to prevent and combat it, corruption remains present in many sectors and often normalized in daily practices. Anti-corruption policies are often treated from a criminal and administrative perspective, overshadowing its impact on human rights. As such, corruption continues to be one of the structural challenges in Kosovo, with direct and indirect impact on the functioning of institutions, the well-being of citizens and the protection of fundamental human rights.
3. This report examines the impact of corruption on the enjoyment of human rights, based on empirical findings, including a survey of citizens. The focus of the report is to analyse corruption exclusively through the prism of human rights, assessing how corrupt practices and institutional failures impede the effective enjoyment of rights guaranteed by the Constitution. The Ombudsperson also held a roundtable with representatives of institutions and civil society organizations to discuss the findings of the surveys.
4. The analysis presented in this report therefore treats corruption not as an isolated phenomenon, but as a systemic failure of governance with direct and measurable consequences on human rights, as evidenced by the experiences reported by citizens through the questionnaire and other data sources.
5. Given the presence of corruption and its impact on citizens' rights, this report concludes with recommendations aimed at preventing and reducing corruption, so that every citizen can enjoy their rights equally. To address this phenomenon, institutional cooperation and capacity building are needed, and citizens are encouraged to report cases where their rights are violated through corruption.

LEGAL BASIS AND COMPETENCES OF THE OMBUDSPERSON

6. In accordance with Article 132 of the Constitution of the Republic of Kosovo (hereinafter: the Constitution): *“The Ombudsperson shall supervise and protect the rights and freedoms of individuals from unlawful and irregular actions or omissions of public authorities.”* The Constitution further provides in Article 135, paragraph 3: *“The Ombudsperson has the right to make recommendations and propose measures, if he/she observes violations of human rights and freedoms by public administration bodies and other state bodies.”*
7. According to Law no. 05/L-019 on the Ombudsperson, Article 16, the Ombudsperson, among others, has the following powers and responsibilities:
 - *“To investigate complaints received from any natural or legal person regarding allegations of violations of human rights as provided for in the Constitution, laws and other acts, as well as international human rights instruments, in particular the European*

Convention on Human Rights, including actions or omissions that constitute abuse of authority (Article 16, paragraph 1);

- to conduct investigations, either to respond to a complaint submitted or on its own initiative (ex officio), if from the findings, evidence and facts presented in the complaint or from knowledge acquired in another way, there is reason to conclude that the authorities have violated human rights and freedoms as defined in the Constitution, laws and other acts, as well as international human rights instruments (Article 16, paragraph 4);*
- The Ombudsperson may issue general recommendations on the functioning of the judicial system. The Ombudsperson shall not intervene in cases and other legal proceedings pending before the courts, except in cases of protracted proceedings (Article 16, paragraph 8);*
- to draw attention to cases where the authorities violate human rights and to make recommendations to end such cases and, where necessary, to express his opinion on the positions and reactions of the relevant institutions in relation to such cases (Article 18, paragraph 1, subparagraph 1.2);*
- to publish his notices, opinions, recommendations, proposals and reports.” (Article 18, paragraph 1, subparagraph 6).*

8. By sending this report to the institutions responsible, Ombudsperson aims to fulfill these responsibilities according to the aforementioned constitutional and legal provisions

CORRUPTION AND HUMAN RIGHTS

9. The protection of human rights and fundamental freedoms is the foundation on which the constitutional system of Kosovo is built. The protection of human rights, mentioned in the preamble and in other parts, is defined as a constitutional value for society. This document offers a large number of guaranteed rights, and at the same time provides international instruments and protective mechanisms.¹ Thus, institutional life is essentially permeated by the protection of human rights and fundamental freedoms.
10. Human rights represent the dimension of the state's limitation in relation to the citizen. The classic notion is that only the actions or inactions of the state represent violations of human rights. However, beyond this, in a deeper analysis, it turns out that corruption is a considerable source of human rights violations. Despite this, combating corruption is not recognized as a specific right and responsibility, although its negative impact is pronounced in many aspects of citizens' lives, directly affecting their fundamental rights.
11. This approach is also supported by United Nations human rights documents. The Office of the UN High Commissioner for Human Rights emphasizes that corruption has a devastating effect on state institutions and on the capacity of states to respect, protect and fulfill human rights, especially for persons and groups in situations of vulnerability and marginalization.² Likewise, corruption and illicit financial flows divert public revenues and weaken budgets

¹ Constitution of the Republic of Kosovo, Preamble, Article 7, Chapters 2 and 3, etc.

² Office of the United Nations High Commissioner for Human Rights, *Corruption and Human Rights*, which emphasizes that corruption has a destructive effect on state institutions and on the capacity of states to respect, protect, and fulfill human rights. Available at: <https://www.ohchr.org/en/good-governance/corruption-and-human-rights>

that should serve health, housing, education and other essential services.³ In this sense, corruption should not be seen only as a violation of administrative or criminal integrity, but also as a structural obstacle to the effective realization of human rights.

12. The Ombudsperson emphasizes that good governance is also important to minimize potential violations of human rights. In his report on the Principles of Good Governance⁴ he emphasized: *The process that enables the use of existing resources for the purpose of realizing the rights of citizens, **while avoiding corruption**, cannot but serve as a basis for the creation of a unified definition of “good governance”. The concept of good governance is clarified in resolution 2000/64, according to which good governance is based on the following attributes:*

- transparency
- accountability
- responsibility
- participation
- responsiveness (to the needs of citizens)

Good governance, good governance and human rights are interconnected in such a way that they strengthen each other. In a document of the European Commission for Democracy through Law (Venice Commission), the distinction between “Good Governance” and good administration is elaborated, because good governance is often thought to include good administration. The principle of good administration is based on clearly identifiable procedural rights, the alleged violation of which can be brought before the courts. Thus, good administration is widely accepted as a legal concept in its own right, which is included in international documents as well as in the legal order of a number of countries. This distinction by its nature must be taken into account so that good governance is not equated with good administration.”

13. Abuse of authority is indeed a form of maladministration, namely violations committed by public officials in the field of administrative law. However, it can be included in the field of criminal law due to certain factors.⁵ However, maladministration itself is not the subject of this report, but the interrelation of abuse of position in any form is important to understand as an act that can affect human rights.
14. Corruption enables both human rights violations and the weakening of democracy. This in turn contributes to the growth of corruption, creating a vicious circle.⁶
15. The United Nations Convention against Corruption (UNCAC) is the most important global document against corruption. This Convention clearly states that corruption, among others, leads to human rights violations.⁷

³ Office of the United Nations High Commissioner for Human Rights, *Corruption and Human Rights: A Practical Guide*, 2025, p. 6.

⁴ Ombudsperson Institution of the Republic of Kosovo, Principles of Good Administration, published on 7 November 2018. Available at: file:///C:/Users/acavdarbasha/Downloads/SHQIP_Parimet-PER-MIRADMINISTRIMIN-permbledhje-nga-Avokati-i-Popullit-2.pdf

⁵ Guslan, O.F. (2018). “Maladministration in Corruption Case: A Study of Limitation on the Criminal Action” *Indonesian Journal of Criminal Law Studies* 3(2): 147-156. DOI: 10.15294/ijcls.v3i2.13249

⁶ “CPI 2021: Corruption, human rights and democracy”. Transparency International. 25 January 2022. (Available at: <https://www.transparency.org/en/news/cpi-2021-corruption-human-rights-democracy>).

16. On the other hand, the Human Rights Council of the United Nations General Assembly has adopted the Resolution on the negative impact of corruption on human rights. This resolution emphasizes that the promotion and protection of human rights and the prevention and fight against corruption are mutually reinforcing. According to this resolution, marginalized groups are more exposed to the impact of corruption on the realization of their rights.⁸
17. The United Nations Office on Drugs and Crime recognizes the link between human rights and anti-corruption efforts. The Office emphasizes that it is committed to supporting States in implementing the UNCAC and to addressing corruption in a wide range of sectors, through a human rights perspective, including education, sports, health, environment, judicial integrity, etc.⁹
18. In assessing human rights violations, authorities should be careful not to violate them by respecting, protecting and fulfilling them. The obligation to respect requires the State not to interfere with the exercise of rights, while the obligation to fulfill requires active action by the State to fulfill human rights, so that the State must take active measures to realize them. The obligation to protect human rights is key to the corruption–human rights nexus: the State must prevent, investigate and punish violations committed. Corruption can make this impossible, by obstructing investigations, creating impunity or tolerating abusive structures.¹⁰
19. The conceptual approach of human rights differs from the conceptual approach of anti-corruption.¹¹ Corruption is seen only in the economic and political prism in the form of the appropriation of wealth. However, corruption should also be viewed in terms of its impact on human rights, in particular the negative impact on the equality of citizens and businesses, and the limitation of participation in society for certain subjects.¹² Addressing corruption from this angle contributes to raising collective awareness, increasing social intolerance towards this phenomenon, as well as protecting citizens from negative impacts.
20. Corruption constitutes one of the main obstacles to the effective protection of human rights. Corruption provides discriminatory access of citizens to public services, favouring those who, through corrupt forms, are able to influence public authorities.¹³ **According to the Human Rights Council, it is difficult to find a human right that cannot be violated by corruption.**¹⁴ Below we list some of them.

⁷ "UNITED NATIONS CONVENTION AGAINST CORRUPTION". United Nations Office on Drugs and Crime. New York, 2004. (Available at: https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf)

⁸ General Assembly. Human Rights Council, The negative impact of corruption on the enjoyment of human rights, 6 July 2023, p.1-2.

⁹ "Human rights". United Nations Office on Drugs and Crime. (Available at: <https://www.unodc.org/corruption/en/learn/about-corruption/human-rights.html>)

¹⁰ Ibid., pages 21-22.

¹¹ Human Rights Council Advisory Committee, *Final report on the issue of the negative impact of corruption on the enjoyment of human rights*, A/HRC/28/73, 5 January 2015.

¹² "Corruption and Human Rights". Centre for Civil and Political Rights. Pages 9 and 10. September 2019. (Available at: https://www.geneva-academy.ch/joomlatools-files/docman-files/Corruption_and_HR.pdf).

¹³ "Knowledge tools for academics and professionals - Module 7 Corruption and Human Rights, United Nations Office on Drugs and Crime. Page 11 (Available at: https://grace.unodc.org/grace/uploads/documents/academics/Anti-Corruption_Module_7_Corruption_and_Human_Rights.pdf).

¹⁴ Ibid. p. 9.

21. ***The right to life, liberty and security of the person is directly and indirectly violated by corruption.***¹⁵ The inaction of security and justice institutions, the lack of investigation and the tolerance of institutional violence through corruption endanger the right to life, liberty and security.
22. Corruption can become a serious obstacle to the ***enjoyment of the right to property***. A public official who denies someone property rights, in any form, through bribery directly violates their right to property.¹⁶
23. Corruption also violates ***electoral rights***. For example, vote buying is a violation of the right to vote, because it limits the free choice of citizens and affects the electoral process by undermining its legitimacy. Another example, related to the right to be elected, is when a candidate is arbitrarily prevented from standing for election because of a bribe he has received.¹⁷
24. Due to its nature and the manner in which cases are brought, the jurisprudence of the European Court of Human Rights has not, to date, dealt with any case where a human rights violation has been linked to corruption. However, in terms of the standards it has established in its jurisprudence, it is clear that those standards cannot be functional in the event of the existence of corruption, even in relation to its perception. For example, one of the rights provided for in the European Convention on Human Rights is the right to a fair trial, which states that “*Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal...*” According to the jurisprudence of the ECtHR, in order to determine whether a body is independent, several criteria apply, including the existence of guarantees against external pressure and whether the body appears or is presented as independent.¹⁸ In this sense, corruption directly violates the criteria that assess the independence of a court, which directly affects the violation of one of the fundamental human rights, which is the right to a fair trial, as a procedural right that protects all other human rights.
25. For this reason, as stated, it is extremely difficult to find any human right that cannot be violated by corruption, whether directly or indirectly.
26. Regarding the legislative framework in Kosovo, human rights are protected, among other things, by criminal norms. The Criminal Code No. 06/L-074 of the Republic of Kosovo contains a special chapter on criminal offenses against human rights and freedoms.¹⁹ In this same chapter, a connection is made between corruption and human rights, where the commission of these criminal offenses through the abuse of official position represents qualified forms of the criminal offense.²⁰ In other cases, this Code does not make any

¹⁵ “*Corruption and Human Rights*”. Centre for Civil and Political Rights. Page 13. September 2019. (Available at: https://www.geneva-academy.ch/joomlatools-files/docman-files/Corruption_and_HR.pdf).

¹⁶ “Human Rights and Countering Corruption”. Geneva Academy. Page 9. (Available at: <https://www.geneva-academy.ch/joomlatools-files/docman-files/Human%20Rights%20and%20Countering%20Corruption.pdf>).

¹⁷ “*Knowledge tools for academics and professionals - Module 7 Corruption and Human Rights*”. United Nations Office on Drugs and Crime. Page 16. (Available at: https://grace.unodc.org/grace/uploads/documents/academics/Anti-Corruption_Module_7_Corruption_and_Human_Rights.pdf).

¹⁸ Judgment “CASE OF FINDLAY v. THE UNITED KINGDOM (Application no. 22107/93)”. European Court of Human Rights. Strasbourg, 25 February 1997. Paragraph 73. (Available at: <https://hudoc.echr.coe.int/eng#{%22itemid%22:%22001-58016%22%22}>).

¹⁹ Criminal Code No. 06/L-074 of the Republic of Kosovo. Chapter XVII..

²⁰ Ibid, Article 414.1

connection with human rights, constructing any qualified form of the criminal offense if the damage is caused to human rights. However, when “*damage*” is mentioned within the framework of the figure of the criminal offenses of corruption, this damage normally includes the violation of human rights, in any form.

LEGAL AND INSTITUTIONAL FRAMEWORK FOR PREVENTING AND FIGHTING CORRUPTION

Prevention of Corruption

27. Prevention plays an essential role in combating corruption. It helps address corruption before it causes serious negative consequences and contributes to addressing its root causes. Effective prevention strategies and measures strengthen the integrity of public institutions and public officials, thus promoting public trust and confidence in their actions.²¹
28. The main institution in the field of corruption prevention is the Agency for the Prevention of Corruption (APC), which now operates on the basis of the new Law No. 08/L-017 on the APC, which entered into force in August 2022. This Law includes a number of issues related to the prevention of corruption. In the field of corruption prevention, three (3) other laws are also of great relevance: Law No. 08/L-108 on Declaration, Origin and Control of Assets and Gifts, Law No. 06/L-011 on Prevention of Conflict of Interest in the Exercise of Public Function and Law No. 06/L-085 on Protection of Whistleblowers. While responsible for supervising the implementation of all three (3) of these laws is the KPA.
29. One of the tools for preventing corruption is the management of conflict of interest. According to Law No. 06/L-011 on Prevention of Conflict of Interest in the Exercise of Public Function “*Conflict of interest arises from a circumstance in which the official has a private interest, which affects, may affect or appears to affect the impartial and objective performance of his official duty*”.²² This law defines prohibited actions for all public officials, incompatibility of public officials, mechanisms for identifying and managing conflict of interest, etc. This is so that public decision-making is focused on the public interest and not influenced by private interest.
30. Asset declaration is another tool for preventing corruption. Law No. 08/L-108 aims to determine the asset declaration system, including the methods and procedures for declaring assets and gifts, the origin and control of declared assets and gifts, as well as the declaring entities with the aim of preventing corruption, conflict of interest and strengthening the integrity of public institutions, including sanctions. According to this Law, there are a total of 49 categories of public officials who are obliged to declare assets.²³ The purpose of asset declaration is to increase the integrity and transparency of public officials and to serve as a tool for preventing corruption.
31. Integrity plans are another important tool for preventing corruption. Integrity plans are documents prepared as a result of an institution’s self-assessment of its exposure to the risk of the presence and development of corruption and exposure to unacceptable ethical and professional actions.²⁴ Integrity plans must be approved by central administration bodies and

²¹ “*Preventive measures (chapter II)*”. United Nations Office on Drugs and Crime. (Available at: <https://www.unodc.org/corruption/en/learn/ehat-is-uncac/prevention.html>)

²² Law No. 06/L-011 on the Prevention of Conflict of Interest in the Exercise of Public Function. Article 6.

²³ Law No. 08/L-108 on the Declaration, Origin and Control of Assets and Gifts. Articles 3, 4 and 5.

²⁴ <https://gzk.rks-gov.net/ActDetail.aspx?ActID=60591> 3.1.1.6

independent agencies, as well as municipal authorities in Kosovo. These plans contain a self-assessment of the institution's exposure to corruption and other forms of integrity violations, information on the scope of the institution's work and human resources engaged in the institution, types of corruption risks and other forms of integrity violations, etc.²⁵ The drafting, monitoring and adequate implementation of these plans enable institutions, through a clear assessment of themselves, to analyse and prevent various forms of corruption within a given sector or institution. Thus, integrity plans should not be seen as a formal obligation, but as an important tool for preventing corruption.

32. The KPA also has other important competencies in the field of corruption prevention. This includes the assessment of corruption risks in different areas or sectors. According to the Law on KFA, the Agency may conduct risk assessments in areas or sectors that are considered to be particularly exposed to corruption risks and in areas or sectors suggested by public organizations, where their suggestions are not binding on the Agency.²⁶ Another authorization of the KFA in the field of corruption prevention is also the assessment of legal acts against corruption.²⁷
33. In order to reflect the institutional will but also synchronize institutional efforts against corruption, the Anti-Corruption Strategy has an important role. According to the Law on KFA, *"The State Strategy and Action Plan against Corruption shall be drafted and approved by the Government of the Republic of Kosovo"*. The Ombudsperson notes that this Strategy has not been approved so far. Thus, for many years now, Kosovo has lacked a State Anti-Corruption Strategy.

Combating corruption

34. Combating corruption as a concept comes into play in cases of impossibility of its prevention. Namely, this concept comes into play after a criminal offense has been committed and the perpetrator is required to stand trial, receiving a deserved punishment for the committed offense.
35. Criminal offenses of official corruption and criminal offenses against official duty are defined in the Criminal Code No. 06/L-074 of the Republic of Kosovo. Chapter XXXIII of this Code defines 17 criminal offenses of corruption.
36. In this chapter, the Criminal Code addresses corruption not only through classic forms of bribery, but also through a wider range of behaviours that violate the integrity of the exercise of official duty. These include abuse of official position or authority, abuse and fraud in public procurement, misuse of official information, conflict of interest, embezzlement in office, fraud in office, unauthorized use of property, taking and giving bribes, exercising influence, unlawful issuance of judicial decisions, disclosure of official secrets, falsification of official documents, unlawful collection and payment, unlawful appropriation of property during a search or execution of a judicial decision, as well as non-reporting or false reporting of property, income, gifts, other material benefits or financial obligations. This shows that criminal legislation does not limit corruption only to the direct exchange of money or gifts, but also treats it as misuse of public authority, official information, public property, procurement procedures, judicial decision-making and transparency obligations.

²⁵ Ibid, Article 25

²⁶ Law No. 08/L-017 on the Agency for the Prevention of Corruption. Article 26

²⁷ Ibid., Article 27

37. In the context of this report, it is of particular importance that some of these offences are directly related to the violation of human rights. For example, in the criminal offence of abuse of official position or authority, the Criminal Code expressly includes as an element of the offence the act of an official with the intention of “*violating the rights of another person*”. Also, within the framework of this article, forms of abuse of official duty include subjecting another person to ill-treatment, arrest, detention, control, unlawful taking or encumbrance, as well as preventing or hindering another in the exercise or enjoyment of any right, privilege, power or legal immunity. In this sense, the Criminal Code establishes a clear link between official corruption and the protection of human rights: when public authority is used for unlawful gain, for favouritism, for harming another or for obstructing the exercise of a right, corruption does not remain only a matter of institutional integrity, but becomes a mechanism for the concrete violation of equality, access to services, legal certainty and effective protection of citizens.
38. With one exception, criminal offences of corruption are committed only with direct intent and cannot be committed through negligence.²⁸ This means that in order to be considered to have committed a criminal offence of a corruptive nature, it is necessary to have criminal intent, which consists of the intention to create favours for oneself or another, or to cause harm to someone. Thus, criminal intent, in addition to other elements, is a crucial element of criminal offences of corruption. For this reason, not every violation falls within the domain of official corruption, unless the element of criminal intent is proven.
39. Regarding the classification of corruption, within the framework of the definition of criminal offenses, each of them has its basic form and its qualified form. For example, giving a bribe, as a basic offense, is punishable by imprisonment for up to five (5) years. However, if the value of the bribe exceeds 15,000 euros, then we are dealing with the qualified form of the criminal offense, which is punishable by up to eight (8) years of imprisonment.²⁹
40. Beyond this, the legislation has already defined the meaning of high-level corruption. According to the Law on the Special Prosecution, 15 categories of public officials are listed, the commission of corruption by which is considered high-level corruption.³⁰
41. Corruption cases are investigated by the State Prosecutor, namely the Serious Crimes Departments of the Basic Prosecutions.³¹ An exception here is high-level corruption, which is investigated by the Special Prosecution.³² As for the trial, these cases are tried by the Serious Crimes Departments of the Basic Courts, with the exception of cases filed by the Special Prosecution, which are tried by the Special Department of the Basic Court in Pristina.³³
42. In investigating corruption cases, the State Prosecutor cooperates with other institutions. The greatest cooperation in this case is with the Kosovo Police, which files the largest number of criminal reports with the Prosecution. Police actions are carried out on the basis of the orders of the State Prosecutor.
43. Upon receipt of a corruption case, the State Prosecutor may dismiss the criminal report or may initiate investigations. After conducting the investigations, he may discontinue the

²⁸ Criminal Code No. 06/L-074 of the Republic of Kosovo. Article 426, paragraph 3.

²⁹ Ibid., Article 422.

³⁰ Law No. 08/L-168 on the Special Prosecution Office, Article 3.1.1.4.

³¹ Law No. 08/L-167 on the State Prosecutor, Article 13.4.4.

³² Law No. 08/L-168 on the Special Prosecution Office, Article 9.1.1.14.

³³ Law No. 06/L-054 on Courts, Articles 18 and 19.

investigations or may even file an indictment. According to the new Code of Criminal Procedure [Article 84 and 156.8], against the decision to dismiss the criminal report and the decision to discontinue the investigations, the injured party has the right to appeal to the Appeals Prosecutor's Office. This legal solution raises dilemmas regarding the rights of victims, who are unable to challenge in court the decisions of the State Prosecutor to dismiss criminal charges or discontinue investigations. Furthermore, they are unable to initiate private criminal lawsuits, so everything remains under the assessment of a single institution, the State Prosecutor. These decisions of the State Prosecutor are the only decisions in the Kosovo legal order that are not subject to direct judicial control, the prosecution must guarantee a high standard of reasoning, transparency and accountability in this decision-making, especially in cases that affect the public interest and fundamental human rights.

44. In order to increase the effectiveness in identifying corruption cases, it is important that the institutions of the justice system convince citizens of the effectiveness of the cases they bring. Given that the State Prosecutor acts in every case where there are suspicions that a criminal offense has been committed, regardless of the way in which it was informed, it is completely clear that criminal cases can also be initiated based on anonymous reports. In addition, it is very important for the State Prosecutor to have a proactive approach and to build adequate inter-institutional cooperation, in order to identify cases of corruption and investigate them.
45. The duration of a criminal case may be one of the reasons why citizens view the work of the State Prosecutor with scepticism. This situation arises for several reasons
46. Initially, the legal "*reasonableness*" of handling corruption cases affects a considerably long period. Investigation deadlines can go up to three (3) years, while there are a series of procedures for the trial of a case in the first instance, not including the procedure for appealing cases to higher instances.³⁴
47. The second is that due to the caseload of the judicial system, the inefficiency of judges, other procedural problems, etc., the processing of cases is delayed in the courts. The establishment of the Special Department was supposedly intended to increase efficiency. However, the time frame for processing cases continues to remain considerably long. The average duration of cases processed is 894 days, indicating a relatively long waiting period for the pronouncement of the verdict.³⁵
48. Corruption cases that result in a conviction should impose sentences that are consistent with the purposes of the sentence. According to the Law, the purposes of the sentence are 1) to prevent the perpetrator from committing criminal offenses in the future and to rehabilitate him, 2) to prevent other persons from committing criminal offenses, **3) to compensate the victims or the community for losses or damages caused by the criminal offense**, and 4) to express social judgment about the criminal offense, raise morale, and strengthen the obligation to respect the law.³⁶
49. One of the main problems that arise in practice is inadequate punitive policy, because as noted above, the purpose of the sentence should encompass several elements. For this reason,

³⁴ Code No. 08/L-032 Criminal Procedure Code. Article 157

³⁵ Krasniqi, Z. and Smajli, F. "Sentencing Policy in "Special" Crimes." Kosovo Law Institute. Page 14. Pristina, December 2024. (Available at: <https://kli-ks.org/wp-content/uploads/2024/12/Politika-ndeshkimore-ne-krimet-speciale.pdf>)

³⁶ Criminal Code No. 06/L-074 of the Republic of Kosovo, Article 44

the Supreme Court has adopted the Sentencing Policy Guide, which it has also updated, so that judges can impose adequate sentences.³⁷ In relation to corruption cases, the Supreme Court has adopted a separate Guide on Sentencing Policy in corruption cases.³⁸ The same Guide emphasizes that prosecuting and adjudicating corruption is a difficult and very challenging endeavor, and this difficulty is due to the secretive nature of corruption and, in most cases, the failure of individuals to come forward as potential victims who would provide information about corrupt acts that would be used to initiate investigations.³⁹

50. However, according to the ongoing analyses of the Kosovo Institute for Justice (KIJ) that have monitored the implementation of these guidelines, they show a lack of respect for them in court judgments.⁴⁰
51. Failure to impose adequate sentences for corruption sends a negative message to citizens, that corruption cases are in some way being amnestied by the justice system. For this reason, in order to effectively combat corruption and increase citizens' trust in court judgments, it is very important that the determination of the type and level of punishments in corruption cases be based on the legal provisions that speak about the determination of the type and level of punishment as well as on the Supreme Court's Guidelines on Penal Policy.⁴¹
52. Furthermore, the Ombudsperson emphasizes that an approach that is often forgotten and important is the attention that should be paid to victims who have suffered damage due to the corruption criminal offense.
53. The Ombudsperson recalls that the Code of Criminal Procedure stipulates in Article 19 that the injured party or victim is - the person who has suffered damage, including physical, mental or emotional harm or economic loss caused by the criminal offense, and the family members of the person whose death was directly caused by the criminal offense and who have suffered damage as a result of that person's death.
54. The problem with corruption cases is that often a direct victim cannot be found because corrupt actions sometimes affect the violation of human rights to be extended to a larger number of people who may not even be aware of the consequences caused by this criminal offense.
55. Importantly, however, as required by the United Nations Convention against Corruption (UNCAC), each State should *"take such measures as may be necessary, in accordance with the principles of its domestic law, to ensure that entities or persons who have suffered damage as a result of an act of corruption have the right to institute legal proceedings*

³⁷ "Official Corruption and Criminal Offences against Official Duty." Supreme Court of Kosovo. June 2021. (Available at: https://supreme.gjyqesori-rks.org/wp-content/uploads/legalOpinions/98248_UDHEZUESI%20PER%20VEPRAT%20E%20KORRUPSIONIT-10%20qershor%202021.pdf); "Sentencing Policy Guidelines." Supreme Court of the Republic of Kosovo. Pristina, 2018. (See the link: https://supreme.gjyqesori-rks.org/wp-content/uploads/legalOpinions/Udhezues%20per%20Politiken%20ndeshkimore_Shkurt%202018.pdf).

³⁸ "Official Corruption and Criminal Offences against Official Duty." Supreme Court of Kosovo. June 2021. (See the link: https://supreme.gjyqesori-rks.org/wp-content/uploads/legalOpinions/98248_UDHEZUESI%20PER%20VEPRAT%20E%20KORRUPSIONIT-10%20qershor%202021.pdf).

³⁹ Ibid., p. 1

⁴⁰ Krasniqi, Z. and Smajli, F. "Sentencing Policy in Special Crimes." Kosovo Law Institute. Pristina, December 2024. (Available at: <https://kli-ks.org/wp-content/uploads/2024/12/q-ndeshkimore-ne-krimet-speciale.pdf>).

⁴¹ Criminal Code No. 06/L-074 of the Republic of Kosovo. Articles 69 and 70.

against those responsible for that damage”.⁴² Thus, Article 35 of UNCAC pays particular attention to the role of private parties, in particular victims of corruption, establishing the basis for a victim-centred approach to efforts to combat corruption. Given the global scope of UNCAC, this article sets out minimum international standards regarding the right of persons who have suffered damage from corruption to seek legal protection and compensation through legal proceedings.

Mechanisms for reporting corruption and other violations

56. Encouraging and facilitating reporting, in particular by providing effective legal protection and clear guidance on reporting procedures, can help authorities monitor the implementation of the law and detect violations of anti-corruption legislation. Providing effective protection for whistleblowers supports an open organizational culture, where employees are not only informed about how to report, but also have confidence in the reporting procedures. Protecting whistleblowers in the public and private sectors from retaliation for reporting in good faith suspicions of corruption and other forms of violation is an essential part of efforts to combat corruption.⁴³
57. Whistleblower protection in Kosovo is regulated by the Law on Whistleblower Protection (LWP), which succeeds the Law on the Protection of Informants.⁴⁴ The LWP has been assessed as an advanced law and in line with international standards.⁴⁵ In addition to the LMS, the Government has also approved the Regulation on the Determination of the Procedure for Receiving and Handling Whistleblower Cases. The Ministry of Justice has also published two (2) Guidelines in the field of whistleblowing: the Guide for the Protection of Persons Reporting in the Public Interest, the Obligations of Employers for the Protection of Whistleblowers from Harmful Acts and the Rights of Whistleblowers for Judicial Protection, and the Guide for the Manner of Conducting Administrative Investigations.⁴⁶
58. According to the LMS, Article 3.1.1.5], any person in the context of an employment relationship, in the public or private sector, including the non-governmental sector, may report violations. The law has also defined the meaning of a person in the context of an employment relationship.
59. The LMS has built a structured whistleblowing system, which is applied in both the public and private sectors. Its purpose is to facilitate whistleblowing in these sectors and to protect whistleblowers from retaliation. The LMS has emphasized that reporting or disclosure in the public interest is protected when it is made because the violation has been committed, is

⁴² See the United Nations Convention against Corruption, Article 35

⁴³ “G20 Anti-Corruption Action Plan Protection of Whistleblowers - Protection of Whistleblowers”. (Available at:

<https://nazaha.gov.sa/Media/Posts/OECD%20Study%20on%20Whistleblower%20Protection%20Framework%20C%20Compendium%20of%20Best%20Practices%20and%20Guiding%20Principles%20for%20Legislation.pdf>)

⁴⁴ Law No. 06/L-085 on Protection of Whistle blowers; Law No. 04/L-043 on Protection of Informants

⁴⁵ “Kosovo* 2019 Report.” European Commission. Pages 22–23. Brussels, 29 May 2019. (Available at:

https://enlargement.ec.europa.eu/document/download/85bb4cd1-fbe1-47b3-8914-7f606f1ede37_en?filename=20190529-kosovo-report.pdf)

⁴⁶ “Guidelines on the Protection of Persons Reporting in the Public Interest, Employers' Obligations for the Protection of Whistleblowers from Detrimental Acts, and Whistleblowers' Rights to Judicial Protection.” Ministry of Justice. 19 September 2023. (Available at: <https://old.unhz.eu/Dokumente/Dokumente/Udhëzues-për-mbrojtjen-e-personave-që-raportojnë-në-interes-publik-detyrimet-e-punëdhënësve-për-mbrojtjen-e-sinjalizuesve.pdf>); “Guidelines on the Conduct of Administrative Investigations.” Ministry of Justice. 18 July 2023. (Available at: <https://ushaf.net/wp-content/uploads/2023/10/UDHEZUES-PER-HETIMIN-ADMINISTRATIV.pdf>)

being committed or is likely to be committed, the person has failed, is failing or is likely to fail to comply with any legal obligation, etc.⁴⁷

60. What needs to be emphasized is that the whistleblower must believe that the information reported is true. The law uses the term “*reasonable belief*”, which means that on the basis of the information provided and believed to be true and in the public interest, a reasonable person would conclude that a violation is occurring, has occurred or is expected to occur. “Reasonable belief” is not the same as “*evidence*”, a legal term that implies facts that go beyond a reasonable doubt that something has occurred. Therefore, evidence in this sense is not expected from the person reporting.⁴⁸
61. A public employer with more than fifteen (15) employees and a private employer with more than fifty (50) employees are obliged to appoint a responsible official. The first address where the whistleblower should report is within the institution, to the official responsible for handling corruption cases. However, if there are suspicions that due to his reporting, he may be subject to harmful actions, then he may report externally. External reporting, in the case of the public sector, is done to the Agency for the Prevention of Corruption, while in the case of the private sector, it is done to the Labor Inspectorate. Beyond this, in the circumstances determined by Law, reporting may also be done in public. In each case and at each stage, the whistleblower must be notified of the results of the reported case.⁴⁹
62. Whistleblowers have the right to protection from reporting violations. Also, a person who assists the whistleblower or can provide evidence related to the whistleblower or any other person who may be harmed due to any connection with the whistleblower is entitled to protection. This also applies to a person who proves that the harmful action was taken against them because the person taking the harmful action mistakenly believed that they were the whistleblower or a person connected to the whistleblower, as well as to the official responsible for handling whistleblower cases.⁵⁰
63. Confidentiality is one of the main principles in handling whistleblower cases. Confidentiality means the obligation not to disseminate information to any other person, including the person against whom the whistleblower is reported. This is so that in addition to retaliation, whistleblowers are also protected from any kind of stigmatization. Only necessary and very specific circumstances make an exception here. Whereas, breach of confidentiality is sanctioned by a fine of up to 20,000 euros.⁵¹
64. According to the LMS, the protection of whistleblowers from harmful actions includes protection from dismissal, suspension from work or one or more duties, transfer within or outside the public institution or private entity without his consent, demotion, etc. Any harmful action against the whistleblower is invalid. If harmful actions are taken against a whistleblower, the same has the right to go to court, without having to exhaust legal remedies. This lawsuit must be filed within a period of six (6) months from the day the whistleblower was made aware of it but no later than three (3) years from the day the harmful action was taken.

⁴⁷ Law No. 06/L-085 on Protection of Whistleblowers, Article 5

⁴⁸ “*Protection of Whistleblowers*” Council of Europe. Page 9. June 2019. (Available at: <https://askapi.rks.gov.net/Custom/4227766a-735c-4ff2-a6e7-1b6362505d7d.pdf>)

⁴⁹ Law No. 06/L-085 on Protection of Whistleblowers, Articles 17-20

⁵⁰ Ibid, Articles 7 and 8

⁵¹ Ibid., Articles 11 and 27.1.1.8

65. A characteristic of the lawsuits filed by whistleblowers is that in all cases where the whistleblower or a person related to the whistleblower considers that he or she has suffered harmful actions due to the whistleblower, the employer (i.e., not the whistleblower) has the burden of proof to prove that the harmful action has no causal connection with the whistleblower.⁵² Beyond this, whistleblowers are also protected by criminal norms. According to the Criminal Code, taking harmful action against a whistleblower is criminalized as a criminal offense, punishable by a fine or imprisonment of up to two (2) years.⁵³
66. In this way, the LMS offers holistic protection for all whistleblowers, as long as they do not misuse this mechanism. In order to provide this protection, there must be a whistleblower and a whistleblower, who are guaranteed confidentiality and protection from retaliation. Thus, whistleblower should not be confused with an anonymous report of a violation. Given the name of the Law, the LMS aims to protect the whistleblower, which goal cannot be achieved if it is not known who has reported. For this reason, anonymous reporting does not refer to the protection of whistleblowers.
67. In order to increase efficiency in handling whistleblower cases, it is important that institutions enable the real implementation of the whistleblower system according to the LMS. In this regard, it is very important that officers for handling whistleblower cases are appointed as trustworthy persons for the staff and that they are adequately trained. Furthermore, in order to enable adequate protection of confidentiality, it is important to create practical conditions for this, such as special file drawers, secure spaces, etc. All this in order to increase the reliability of the whistleblower process and consequently the number of whistleblowers. It is also important that staff are notified in a timely manner of any change in relation to the person responsible for handling whistleblower cases. If this official is replaced and the staff is not notified, then there is a risk that the report will be sent to the wrong address, violating the confidentiality of the report.⁵⁴
68. Certain reports indicate that the low number of reports is not due to the fact that officials do not have anything to report. This is because a situation has been identified where a lot of information is received from the media and NGOs, but the same is not reported.⁵⁵
69. On the other hand, there is already a dilemma regarding the role of the KPA in handling whistleblower cases. The LMS emphasizes that the KPA conducts investigations in whistleblower cases within its competences, while the Law on the Agency for the Prevention of Corruption has limited the competences of this Agency in this area. This issue should be resolved either through a broader interpretation of this situation by the KPA or through amending and harmonizing the laws among themselves, enabling the KPA to fulfill its mandate.

RESEARCH METHODOLOGY

70. To assess whether the impacts described in the literature and the normative framework are also reflected in the experiences of citizens in Kosovo, a survey was conducted to

⁵² Ibid., Article 25.

⁵³ Criminal Code No. 06/L-074 of the Republic of Kosovo, Article 388.2.

⁵⁴ Rezniki, A. and Smajli, F. "Delivering on the Promise for Whistleblowers." Kosovo Law Institute. Page 24. Pristina, October 2024. (Available at: <https://kli-ks.org/permbushja-e-premtimit-per-sinjalizuesit/>).

⁵⁵ Ibid

understand the perceptions, experiences and implications of corruption on human rights. This research combined quantitative and qualitative approaches, using an integrated methodological design. To carry out this study, Riinvest Institute engaged a dedicated team of researchers and field enumerators, who were responsible for developing the survey with citizens, interviews with institutions, data analysis and drafting the final report.

Quantitative data collection

71. Quantitative data were collected through a public opinion survey, which aims to measure citizens' perceptions, experiences and attitudes regarding corruption and its impact on human rights. The survey was conducted in all municipalities of Kosovo, and the selection of respondents was based on a statistically representative sample of 1,040 citizens. This sample size provides a margin of error of approximately ± 3 percent with a confidence level of 95 percent.
72. The sample design was based on a stratified approach, with municipality as the first level of stratification and gender as the second level. The distribution of respondents across municipalities was done in proportion to their population, ensuring adequate representation of urban and rural areas. Meanwhile, other demographic characteristics, such as education or employment status, were collected through self-reporting during interviews. The Probability Proportional to Size (PPS) method was used to select the housing units for the survey. This method ensures that households in larger areas are as likely to be included in the sample as those in smaller areas, increasing the equality of selection. This approach also makes fieldwork planning more efficient, as the number of interviews to be conducted in each randomly selected area is determined in advance.
73. Once the household was identified, the selection of the respondent within it was done according to three criteria: the person must be 18 years of age or older, have lived in that household for at least six months, and have no health or cognitive disabilities that prevent participation. In cases where more than one person in the household met these conditions, the person was randomly selected using the "birthday closest to the interview date" method.
74. The survey was conducted through face-to-face interviews in the field, while the work of the interviewers was monitored by supervisors assigned by the survey manager. To ensure high quality of data collection, several verification mechanisms were used, including control phone calls, through which about 20 percent of the interviews were verified by supervisors to ensure that the interviews were actually conducted and with the correct persons. In addition, a logical check of the data was performed to identify contradictory responses.
75. After completing the quality control, the data were coded in Excel and then analyzed in SPSS. The analysis was conducted mainly through descriptive statistics and cross-tabulations focusing on the relationships between the different variables of perception and experience of corruption.

Semi-structured interviews

76. Beyond the quantitative component, the study was enriched with qualitative data collected through semi-structured interviews with key institutions involved in fighting corruption, protecting human rights and providing public services. Questionnaires were individually designed for all institutions involved in the interview, focusing on three main chapters (i) the impact of corruption on human rights and the sectors most affected by corruption, (ii) the

monitoring and prevention mechanisms of corruption in the relevant institutions; (iii) recommendations on the necessary changes that affect the prevention and fight against corruption cases in the country. The research team designed the initial versions of the institutional questionnaires, which were discussed with the Office of the Ombudsperson. Based on their comments and recommendations, the questionnaires were finalized.

77. Researchers from Riinvest Institute and representatives of the Office of the Ombudsperson met in person with representatives of 19 institutions and organizations, including independent oversight bodies, rule of law agencies, judicial institutions, human rights organizations, and civil society organizations. The interviews served to deepen the understanding of the survey findings from another, institutional, perspective, beyond citizens' perceptions of the functionality of existing institutional mechanisms. The qualitative data from the interviews were analysed thematically and integrated with the survey results.

Results from the citizen survey

78. As stated so far, corruption in Kosovo remains one of the challenges for democratic development, civic well-being and the functioning of the rule of law. Its dimensions are evident both in public perceptions and in the concrete experiences of citizens in their daily relations with public institutions. To understand this reality more clearly, Riinvest Institute has conducted a survey with citizens, which aims to measure how corruption is defined, which areas are perceived as most exposed and how it affects fundamental human rights.
79. When citizens were asked about specific actions, they considered to be corruption, their responses provided a clear picture of how society views this phenomenon (Table 1). The vast majority of respondents identify corruption as a violation of public trust and a form of abuse of official position, regardless of whether it manifests itself through small bribes in everyday life or through high-level interference in politics and administration.

Table 1 Citizens' perception of actions considered as corruption (as %). Source: Riinvest Institute Survey, 2025

	Yes	No	I don't know
Giving a gift to a doctor to receive special health care.	74.8	22.7	2.5
A teacher/professor who asks for money or a gift to treat students better.	91.3	7.3	1.4
Interference with senior officials to hire relatives.	90.2	6.7	3.1
Personal request to a municipal official to obtain a building permit.	83.2	12.5	4.3
Giving money to the police to avoid a fine or to avoid confiscating your driving license.	95.6	3.3	1.1
Using official position to carry out private affairs.	88.6	7.2	4.2
Providing official information to people without access to it, in exchange for personal benefits.	90.2	4.3	5.5
Taking money from officials to hide or reduce the value of taxes.	94.5	2.6	2.9
Giving money to support political party campaigns.	87.7	6.7	5.6
Additional payment to a lawyer, in order to close a suspect's case.	88.4	6.8	4.8
Giving cash or offering a service to "speed up" administrative	91.2	6.7	2.1

80. The most common acts of bribery and abuse of power, such as giving money to a police officer to avoid a fine or taking money from officials to reduce taxes, were perceived as corruption by over 94 percent of respondents. Similarly, practices of nepotism and political interference – hiring relatives through connections or financing party campaigns – were both considered clear forms of corruption by over 85 percent of respondents. However, when it comes to practices institutionalized in social culture, such as gifts to doctors in exchange for special care, the level of recognition as corruption drops to around 75 percent. This shows that there is still a grey area between what is considered a “sign of gratitude” and what constitutes a clear ethical and legal violation. This phenomenon is related to what Transparency International ⁵⁶ defines it as *facilitation payments* – small payments made to secure or expedite a service to which the citizen is already entitled, but which, in practice, is seen as dependent on informal “extras.” This blurred distinction is an important indicator of the culture of tolerance that, often unconsciously, allows corruption to survive in everyday relations between citizens and institutions.
81. The survey results show that corruption is seen by Kosovo citizens as a major obstacle to the normal functioning of services and social and economic development. For the majority, the impact is profound and often described as “very great”, especially in sectors closely related to fundamental human rights (Figure 1).

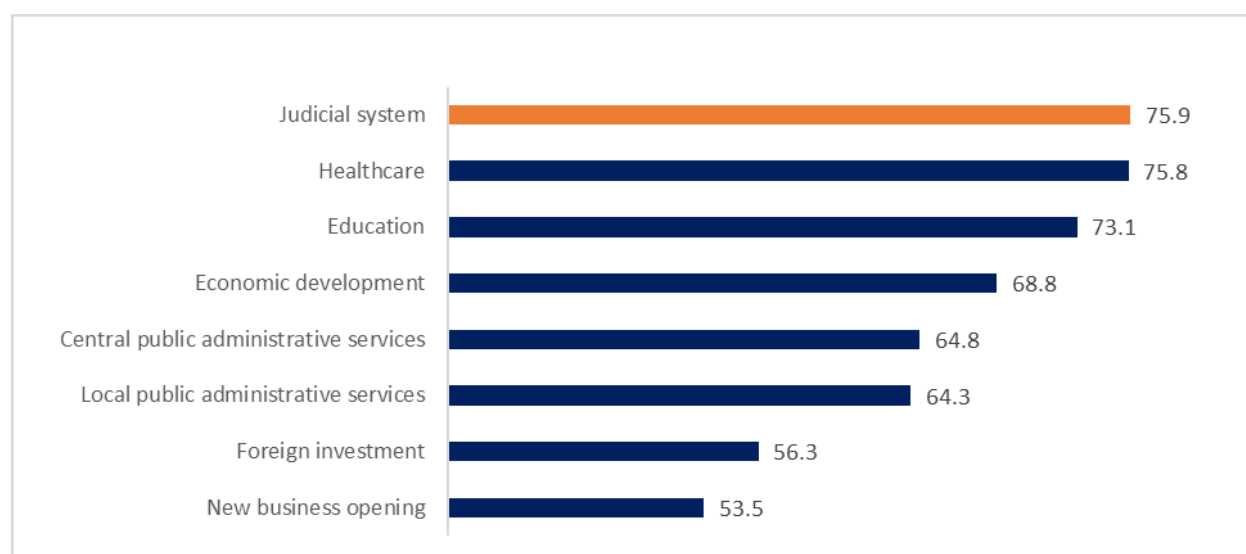


Figure 1 Aspects where corruption is perceived to have the greatest negative impact (as %).

Source: Riinvest Institute Survey, 2025

82. The judiciary and healthcare systems top the list as the most vulnerable. Around three-quarters of respondents believe that corruption severely affects healthcare, while more than that see the judiciary as the area where the impact is most profound. This perception is also supported by the Public Opinion Pulse, ⁵⁷ where healthcare (18.6%) and the courts (36.5%) are listed among the sectors where citizens believe corruption prevails on a large scale. Meanwhile, the judiciary is seen as even more exposed. The OSCE, through monitoring 52

⁵⁶<https://www.transparency.org/en/corruptionary/facilitation-payments>

⁵⁷UNDP. 2024. Public Pulse Brief XXVI. United Nations Development Programme. <https://www.undp.org/kosovo/publications/public-pulse-brief-xxvi>

corruption and organized crime cases in Kosovo between 2021 and 2024, identified long procedural delays, a lack of consistency in decisions and a failure to provide effective accountability⁵⁸. A 2024 GLPS report also highlights that judicial handling of corruption cases remains slow and often ineffective, fueling public belief that the judiciary is captured and politicized.⁵⁹

83. Education ranks third, signalling deep concerns that practices of bribery or favouritism in education are undermining equity in access and quality of education, directly impacting younger generations. Even in the⁶⁰2021 USAID Citizen Perceptions Survey on Corruption in Municipalities, 83 percent of respondents thought there was corruption in public universities (35% at a medium level and 17% at a large level), but that represents a decrease compared to the 88 percent who thought the same in 2020.
84. In the area of economic development, citizens emphasize the great impact of corruption, reflecting the widespread perception that it represents an obstacle to investment, the opening of new businesses and the growth of jobs. Although for the opening of new businesses (53.5%) and foreign investments (56.3%) the percentage of those who speak of a very great impact is lower, this still remains a significant figure and evidence that corruption is seen as a factor that discourages entrepreneurship. In administrative services – be they local (64.3%) or central (64.8%) – corruption is perceived as a strong obstacle, but not at the same dramatic levels as in justice, health and education. For example, even according to the public pulse⁶¹, the perception of corruption in the central administration has fallen from 36.7 percent (2019) to only 17 percent (2024), while in municipalities from 25.8 percent (2019) to 15.9 percent (2024). Meanwhile, when we move from perceptions to direct or indirect experiences, an even more worrying reality emerges regarding the extent of corrupt practices in citizens' daily contacts with public institutions (Figure 2).

⁵⁸OSCE. 2024. Report on Monitoring Judicial Processes in the Western Balkans: Assessing the Effectiveness of the Judicial Response to Serious Organized Crime and Corruption (July 2021 – March 2024). Organization for Security and Co-operation in Europe. https://www.osce.org/files/f/documents/1/8/570177_0.pdf

⁵⁹ Group for Legal and Political Studies (GLPS). 2025. Institutional Treatment of Corruption Cases during 2024.

⁶⁰USAID. 2021. Citizen Perceptions Survey on Corruption and Transparency in Public Procurement. United States Agency for International Development.

⁶¹UNDP. 2024. Public Pulse Brief XXVI. United Nations Development Programme. <https://www.undp.org/kosovo/publications/public-pulse-brief-xxvi>

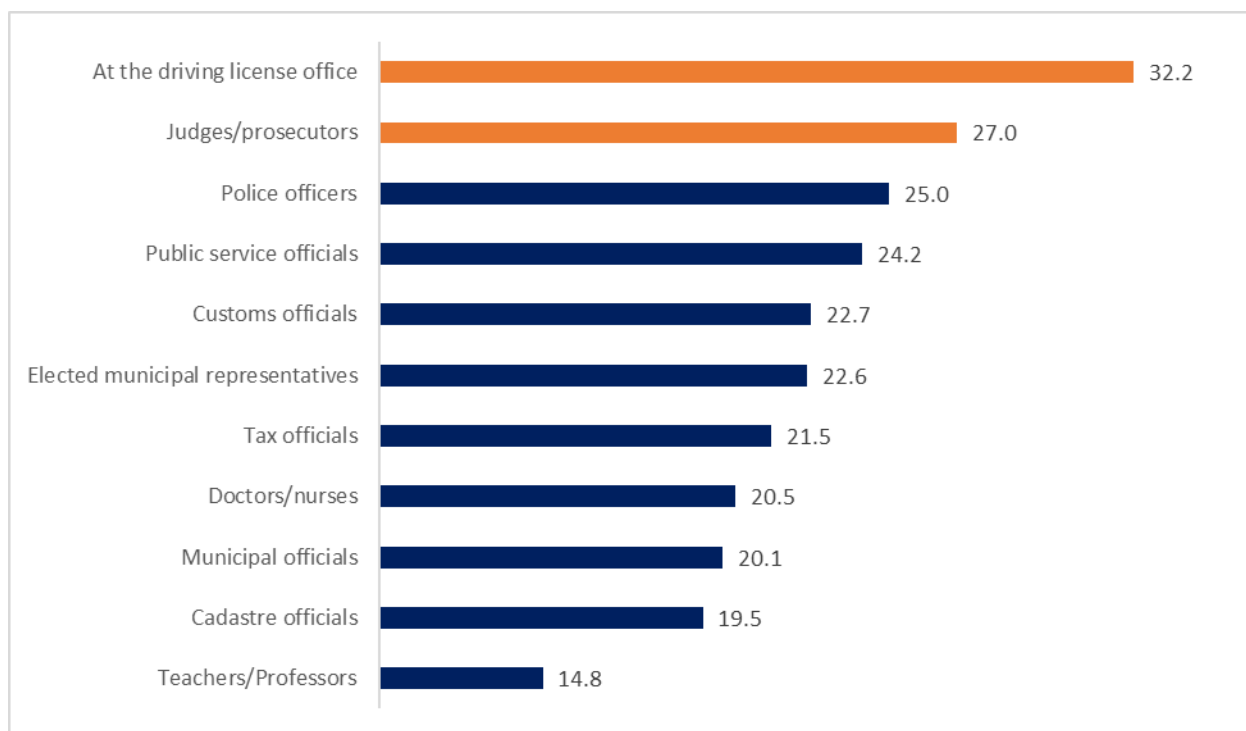


Figure 2 Direct or indirect experience of citizens with corruption by sectors (as %). Source: Riinvest Institute Survey, 2025

85. At the top of the list is the driving license office, where around 32 percent of respondents report direct experience with bribery during procedures for obtaining a driver's license. It is closely followed by judges and prosecutors (27%) and the police (25%), proving that the justice and order system also faces corrupt practices in the concrete experiences of citizens. This gap between perception and experience is also known at the international level. For example, according to the Special Eurobarometer on citizens' attitudes towards corruption in the EU (2024),⁶² the majority of respondents (61%) consider corruption unacceptable, and 68 percent believe that it is widespread in their country, but only 27 percent feel personally affected by it in their daily lives.
86. Public administration is not far behind: public service officials (24.2%), customs (22.7%), elected municipal representatives (22.6%) and tax officials (21.5%) appear as areas where citizens often face corrupt demands. Likewise, municipal officials (20.1%), doctors and nurses (20.5%) and cadastral officials (19.5%) add another dimension, showing that even property and its registration are not immune to abuse. On the other hand, the lowest, but not insignificant, percentage is reported for teachers and professors (14.8%).
87. To better understand the extent of corruption and its perception in society, citizens were asked a series of questions aimed at measuring how they define this phenomenon, in which areas they see the greatest impact, and how they experience it in daily contacts with public institutions (Table 2).

Table 2 Institutions where citizens have given gifts, favours or additional money (last 12 months). Source: Riinvest Institute Survey, 2025

	No	Ees
Doctors	87.6	12.4

⁶²<https://europa.eu/eurobarometer/surveys/detail/3217>

Police officers	88.3	11.7
Nurses	91.3	8.7
Driving License Registration Agency officers	92.3	7.7
Customs officers	92.8	7.2
Municipal officers	93.3	6.7
Public service officers	94.0	6.0
Teachers / Professors	94.0	6.0
Cadastre officers	95.7	4.3
Municipal administration	96.1	3.9
Tax officers (TAK)	96.9	3.1
Judges / Prosecutors	97.0	3.0
Anti-Corruption Agency	97.6	2.4

88. The data shows that, although the majority of citizens did not report giving bribes or gifts in the last year, a significant proportion of them admitted that they had to give “something extra” in contacts with various public sectors. In the latest National Integrity System Index report for Kosovo,⁶³ the public sector is rated with only 62 out of 100 points, reflecting serious gaps in independence, accountability and integrity. Although the legal framework is considered advanced, implementation remains deficient, especially due to political influence in the appointments of high-ranking officials and the lack of effective sanctions. The report highlights that corruption continues to be perceived as widespread, while its punishment is often insufficient.
89. Healthcare emerges as the most sensitive area: more than 12 percent of citizens have given money or gifts to doctors and about 9 percent to nurses. This percentage is the highest among all categories, confirming that informal practices for better care or faster treatment are still widespread and perceived as part of citizens’ everyday lives. This result is particularly worrying as it directly affects the fundamental right to healthcare without discrimination. This is also confirmed by studies that highlight that healthcare services are one of the main concerns of citizens in Kosovo. The concern is based on historically low levels of public financing for public health and chronic mismanagement in the provision of healthcare services, which has forced citizens to seek solutions in private healthcare operators.⁶⁴
90. The police also rank high, with around 12 percent of citizens having paid a bribe to avoid fines or other legal proceedings. This indicator highlights a persistent problem with the integrity of law enforcement, undermining public trust in one of the institutions that should guarantee equality and justice. In this regard, the Corruption Risk ⁶⁵Mapping assesses the Kosovo Police with a score of 30 percent, identifying it as an institution with a medium-high level of corruption risk. This assessment refers to the relative probability of corruption occurring in its functions (e.g. fines, checks, contacts with citizens), and not the percentage

⁶³ Transparency International Kosovo. 2024. National Integrity System Assessment Kosovo. March 2024.: <https://files.transparencycdn.org/images/2023-Kosovo-NIS-Eng.pdf>

⁶⁴ Kosovo Democratic Institute & Transparency International Kosovo. 2018. State Capture in Kosovo: Trading Public Health for Private Profits. <https://kdi-kosova.org/wp-content/uploads/2018/09/26-Helath-Sector-State-Capture-ALB.pdf>

⁶⁵ Anti-Corruption Agency (ACA). 2024. Mapping the Risk of Corruption in Public Administration and Socially Owned Enterprises in Kosovo. August 2024. https://apk-rks.net/wp-content/uploads/2024/12/2024-Gusht-Raporti-Hartezimi-i-Rrezikut-nga-Korrupsioni_ALB_compressed.pdf

of officials involved in corrupt practices. Meanwhile, in education, around six percent of citizens report having had to give extra payments or gifts to teachers/professors, often for passing exams or more favourable treatment.

91. Other institutions with significant levels of reported corruption include driver's license offices (7.7%), customs (7.2%), municipal officials (6.7%), and public utility officials (6.0%). Although these percentages appear lower, they represent a significant number of citizens and suggest that corruption is not limited to the most exposed sectors but has horizontal implications across many levels of administration.
92. The justice sector (judges and prosecutors) accounts for three percent of reported cases, while in the central administration, taxes, cadastre and other institutions the percentages range between two and four. Although seemingly lower, these figures should not be underestimated: corruption in these areas has a very large impact as it is related to the legal, property and economic security of citizens.
93. A particularly significant finding is that the Anti-Corruption Agency (2.4%) is also mentioned by citizens as an institution where additional payments or gifts were given, which reflects a poor finding, even in institutions whose primary mission is the fight against corruption.
94. When we look at the results of the question on the main purpose of giving a bribe or gift, we see that a large portion of citizens, close to 40 percent, stated that they do not remember or did not specify a clear reason, which may reflect several possible factors, such as the difficulty of openly admitting the experience, uncertainty in categorizing the situation, or the desire to avoid a direct answer on such a sensitive topic. Meanwhile, of those who gave a clear answer, three main reasons dominate: to speed up procedures (15.2%), to finalize the procedure (12.7%), and to receive better treatment or service (12.1%) (Table 3).

Table 3 Purpose of the last payment or gift to a public official. Source: Riinvest Institute Survey, 2025

Purpose of payment/gift	Percentage
I don't remember	40%
To expedite the procedure	15%
To finalize the procedure	13%
To receive better treatment or service	12%
To avoid paying a fine	7%
Other (please specify)	5%
No specific purpose	4%
To reduce the cost of the procedure	2%
To obtain information or access	2%

95. In summary, this suggests that corruption is mostly seen as an instrument to overcome systemic barriers – long procedures, unequal services, or inefficient treatment by public institutions. This may be related to the fact that citizens often normalize administrative delays or informal payments as part of everyday life, a phenomenon known in the literature

as ‘petty corruption’. According to Transparency International⁶⁶, this is defined as “the everyday abuse of entrusted power by low- and mid-level public officials in their interactions with ordinary citizens.” Although these payments are small, their cumulative cost is significant when viewed on a national or global scale. Moreover, as the report highlights, petty bribes usually occur at the point of public service delivery, directly affecting citizens’ access to services and undermining their standard of living.

96. This perception not only undermines equality before the law, but also creates a vicious circle, where citizens try to justify corruption as a “practical solution”, while in reality it reinforces a culture of impunity and violates their fundamental rights. Furthermore, a significant percentage of citizens (13.8%) state that the public official indirectly made them understand that an additional payment was expected, while around eight percent report that there was a clear and explicit request. This suggests that corruption in many cases is not openly articulated, but operates through gestures, insinuations and informal mechanisms that make it more difficult to address.
97. Following the analysis of the extent and forms of corruption, it is also important to look at the reporting side, that is, the way citizens react when faced with requests for bribes or gifts. If the previous questions showed that corruption is present in various sectors and is often perceived as a serious obstacle to human rights, the data on reporting reveal another dimension of the problem: the climate of distrust and reluctance to denounce it.
98. The data show that the level of reporting of corruption cases in Kosovo remains extremely low, raising serious concerns about the functionality of existing reporting mechanisms and the level of citizens’ trust in state institutions. If we exclude those who have not faced bribe requests, it turns out that only around three percent of citizens who have experienced corruption have reported it, indicating a deep gap between the experience of corruption and the willingness to report it (Figure 3). This result is significant, but not isolated: according to Special Eurobarometer 470⁶⁷, over eight in ten Europeans (81%) who have experienced or witnessed corruption have not reported it, while only 18 percent have taken steps to report it.

⁶⁶ Chêne, M. 2019. Successful approaches to tackle petty corruption. Transparency International Anti-Corruption Helpdesk. <https://knowledgehub.transparency.org/assets/uploads/kproducts/Fighting-petty-corruption-2019.pdf>

⁶⁷ European Commission. 2017. Special Eurobarometer 470 – Corruption. Directorate-General for Migration and Home Affairs, DG Communication, TNS Opinion & Social

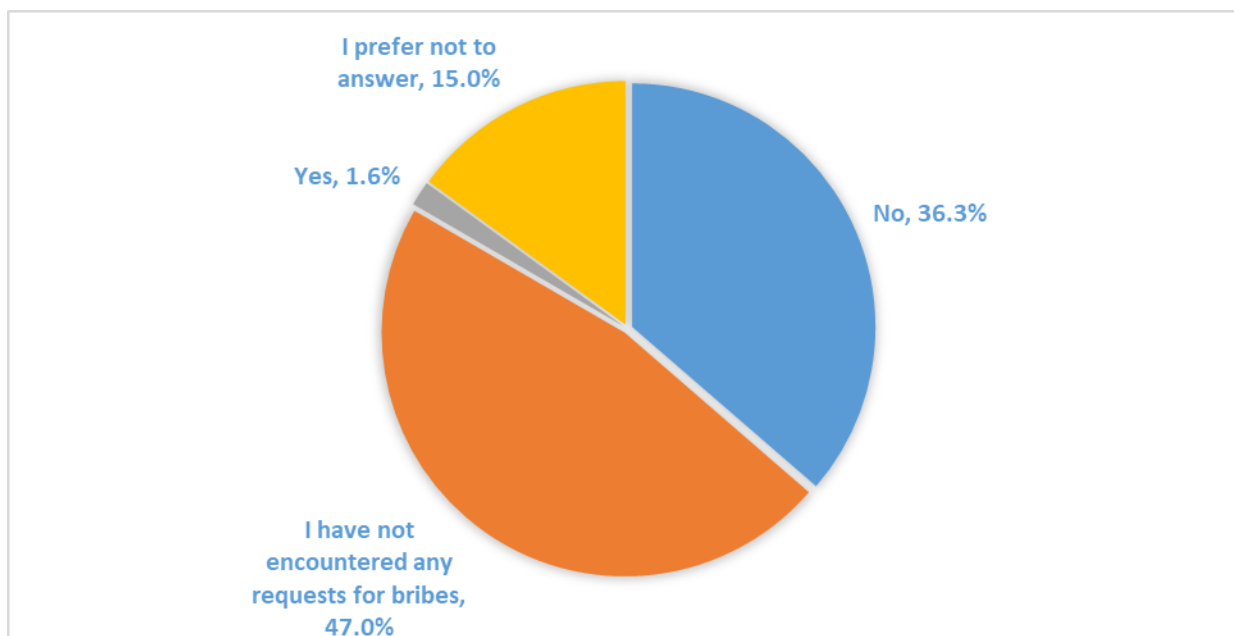


Figure 3 Level of corruption reporting in Kosovo according to citizens. Source: Riinvest Institute Survey 2025

99. On the other hand, 36 percent of citizens have stated that, even though they have been faced with such a request, they have not reported it. The most widespread reason is distrust in institutions: about 14 percent of citizens are convinced that “nothing will change” even if they report.
100. Fear of retaliation is mentioned by nearly four percent of citizens, indicating that reporting is seen as an act that can bring personal consequences, whether legal, social or economic. Meanwhile, another significant portion of respondents say that they did not report because “it was a small problem” (8.6%) or “they did not know where to report” (8.3%). Both of these reasons indicate a lack of information and awareness: citizens either do not see corruption as worth addressing or are not clear about the institutions and procedures where they can file a complaint.
101. Although the number of reported cases is very limited, the data provides insight into which institutions are perceived as the main addresses for denunciation. Only 19 reporting cases were registered by all respondents, which indicates an extremely low level of civic activism. Among these cases, the police emerge as the institution where corruption practices are most frequently reported (36.8% of cases). This finding is consistent with the data of the Western Balkans Security Barometer on Trust, Corruption and Integrity in Public Institutions in Kosovo ⁶⁸, according to which 67% of citizens would choose the Kosovo Police as the first institution to report corruption. This result shows that citizens see the police as the first gateway where they can denounce, but it also raises questions about its effectiveness in handling denunciations, given that the police themselves are perceived as one of the institutions affected by corruption.

⁶⁸Kosovar Center for Security Studies (KCSS). 2022. WBSB Public Perception on Trust, Corruption, and Integrity of Public Institutions in Kosovo. Pristina: KCSS
https://qkss.org/images/uploads/files/WBSB_2022_Kosovo_Report_1_Dec_2022_ENG.pdf

102. The Agency for the Prevention of Corruption (26.3%) and the institution where the corruption occurred (26.3%) share an equal weight as reporting destinations. This suggests that citizens, in the absence of full trust in a single mechanism, often choose to report directly where the violation was committed or to turn to the dedicated agency, albeit in very limited numbers. While a small portion, 11 percent, have chosen to turn to the media, using it as an alternative channel for exposing cases.
103. Of the few citizens who took the step to report corruption, about 30 percent of reports resulted in the initiation of formal proceedings against the relevant official (Table 4). However, an equally high percentage responded that they did not know what happened after reporting, which demonstrates a lack of transparency and communication from institutions about the steps taken. A quarter of those who reported said that no action was taken afterwards, while 18 percent claimed that the problem was resolved informally and they were given their money or gifts back.

Table 4 Result of reporting corruption cases. Source: Riinvest Institute Survey, 2025

Result of reporting corruption cases	Percentage
A formal procedure was initiated against the relevant official	29%
I don't know	29%
There was no action after my report	24%
The problem was resolved informally and the payments/gifts were returned	18%

104. When asked what would help them take action against corruption, citizens made it clear that personal will alone is not enough – what is missing is a safe and reliable network of reporting channels. Most often, citizens demand anonymous reporting channels (25.5%). Thus, anonymity is seen as a guarantee that a citizen can speak out without feeling threatened by retaliation or stigmatization. This finding is in line with existing reports on whistleblower protection in Kosovo: although government institutions have designated whistleblower officers, most have not yet published their names on official websites⁶⁹. Furthermore, isolated cases of intimidation or attacks against whistleblowers have been identified, creating the perception that legal protection is not always functional in practice.⁷⁰
105. Along the same lines, around 25 percent emphasize the need for better legal protection for whistleblowers. While trustworthy institutions (19.3%) also rank high on the list, indicating that reporting depends not only on the existence of channels, but also on the perception of the integrity of the institutions that manage them. If citizens do not trust these institutions, even the most sophisticated channels remain unused.
106. One of the most significant findings of the survey relates to citizens' perception of the link between corruption and their fundamental rights. The vast majority believe that corruption constitutes a direct violation of human rights (Figure 4). This result is not just a high

⁶⁹ Transparency International. 2024. Between anti-corruption reform and decline: Examining key actors, strengths and weaknesses in the Western Balkans and Turkey's national integrity systems. Berlin: Transparency International. https://images.transparencycdn.org/images/2024_NISReport_BetweenAnti-CorruptionReformAndDecline_English.pdf

⁷⁰ Kosovo Democratic Institute (KDI). 2023. *Non-implementation of the Law on Protection of Whistleblowers*

statistical figure, but a clear indicator of citizens’ awareness that corruption is not simply an administrative deviation, but a phenomenon that violates equality, dignity and fair access to public services. Furthermore, the European Commission’s analysis for Kosovo 2024 ⁷¹shows that the lack of law enforcement and political interference undermine citizens’ right to equality before the law and fair access to public institutions.



Figure 4Citizens’ attitudes on the impact of corruption on their rights. Source: Riinvest Institute Survey 2025

107. This result is particularly important because it shows that corruption is perceived by citizens not only as an obstacle to economic development or the functioning of the administration, but above all as an issue that directly affects their fundamental rights. Such an interpretation places corruption at the heart of the debate on equality and fair access to services, emphasizing that any act of abuse of power translates into concrete harm for the citizen. This finding also creates space for awareness-raising campaigns and institutional reforms, highlighting the message that corruption is not simply an administrative deviation, but a phenomenon that undermines trust, harms equality before the law, and impedes the free exercise of rights. This interpretation also finds support in the US State Department’s report on Human Rights⁷², which emphasizes that, although the government took steps to investigate and punish violations, they were often inconsistent and selective.
108. When we delve deeper into the specific rights denied due to corruption, the most affected appears to be the right to health care, mentioned by almost half of the respondents (44.6%) (Table 5). This result reflects the daily reality of citizens that was also evidenced by the findings of the previous questions, where informal payments for medical services, delays in treatment for those who do not pay bribes, and unequal access to health care have become systemic problems.

⁷¹ European Commission. 2024. Kosovo 2024 Report. Commission Staff Working Document accompanying the Communication on EU enlargement Brussels: European Union Commission.
https://enlargement.ec.europa.eu/document/download/c790738e-4cf6-4a43-a8a9-43c1b6f01e10_en

⁷²US Department of State. 2024. Kosovo 2024 Human Rights Report. Bureau of Democracy, Human Rights and Labor. https://www.state.gov/wp-content/uploads/2025/07/624521_KOSOVO-2024-HUMAN-RIGHTS-REPORT.pdf

Table 5 Level of perception of rights violation due to corruption. Source: Riinvest Institute Survey, 2025

Right violated by corruption	Percentage
Right to health care (Accepting bribes for medical care, delayed treatment for those who do not pay, unequal access)	44.6%
The right to education (Accepting bribes or favouritism in school admissions, grades, scholarships)	11.3%
Right to work and equal opportunities (Corruption in public employment or hiring processes, nepotism or sexual favouritism)	9%
The right to a fair and impartial trial (Accepting bribes in the police, prosecutor's office or court; unequal treatment under the law)	7.1%
The right to be heard and to grievance mechanisms (Intimidation or dismissal when reporting abuse or corruption)	5.7%
Property rights (Corruption in land registration, property restitution, illegal evictions)	4.1%
The right to public services (Citizens are unable to benefit from services without bribes, connections, or political loyalty)	3.9%
The right to identity and legal documentation (Accepting bribes for issuing identity documents, birth certificates, passports)	2.8%
The right to participate in public affairs (Exclusion of certain groups due to political or clientelist networks)	2.5%
Freedom of expression and information (Lack of transparency, silencing of anti-corruption voices, media capture)	2.1%
The right to social protection (Illegal payments or nepotism in access to social assistance, pensions, unemployment or disability support)	2%
Protection from discrimination (Marginalized groups face more corruption or are denied equal access to services)	2%
The right to political participation (Corruption in elections, political appointments or party financing)	0.9%
The right to water and sanitation (Bribery or unequal access to services and infrastructure)	0.8%
The right to the environment (Accepting bribes for the issuance of various permits: water permits, environmental permits, etc., violating human rights, e.g. when a permit for a hydroelectric power plant is issued without the approval of residents)	0.7%
Right to housing (Corrupt allocation of social housing, threats of eviction if bribes are not paid)	0.5%

109. Education appears as the second most affected area: 11 percent of citizens report that corruption has denied them fair and equal access to education, through bribes, favouritism in admissions, grades or scholarships. Another important segment is the right to work and equal opportunities, mentioned by nine percent of respondents. Cases of corruption in public employment, nepotism or favouritism appear as serious obstacles to meritocracy and the professional future of individuals.

110. At the same time, around seven percent of citizens highlight the violation of the right to a fair and impartial trial, reflecting the widespread belief that the justice system remains vulnerable and exposed to the influence of corruption. Other rights mentioned include property (4.1%), public services (3.9%), identity and legal documentation (2.8%), and protection from discrimination (2.0%).
111. In more sporadic cases, citizens also mention the impact of corruption on freedom of expression and information (2.1%), political participation (0.9%), housing (0.4%), and the right to a healthy living environment (0.7%). Although rare, these cases show that corruption has an impact that affects everything from basic aspects of well-being to participation in public life.
112. When citizens reflect on the reasons why corruption continues to damage their lives and violate fundamental rights, they point not so much at the lack of laws as at the gaps that make the system fragile. For them, the problem is not that rules are lacking, but that they are not enforced, that institutions are often influenced by politics, and that complaint mechanisms do not function properly. It is precisely these structural weaknesses that are seen as the main obstacles that leave citizens defenseless in the face of corruption.

Table 6 Main institutional gaps that hinder the effective protection of human rights from corruption. Source: Riinvest Institute Survey, 2025

Institutional gaps	Percentage
Lack of law enforcement	26%
Low impunity for corruption cases	12%
Lack of transparency	10%
Lack of judicial independence	8%
Insufficient protection for whistleblowers	8%
Political influence on appointments and promotions	8%
Lack of education and public information about rights	8%
Limited capacity of institutions for investigation and prosecution	7%
Lack of effective complaints mechanisms	7%
Lack of coordination between institutions	6%

Lack of law enforcement was identified as the main problem, mentioned by over half of respondents (26.4% of responses / 65.3% of cases). This finding is a strong indication that citizens do not see a lack in legislation, but in its implementation – that is, laws exist but are not implemented equally and fairly (Table 6).

113. After this, two other major gaps are directly related to the justice system: the low impunity of corruption cases (12.4%) and the lack of independence of the judiciary (8.2%). These indicate that corruption is perceived as a tolerated phenomenon due to the lack of sanctions and the influence of political factors on justice. Along the same lines, political influence on appointments and promotions (7.7%) is seen as another source of distrust.
114. Another prominent dimension is the lack of transparency (10.4%), closely linked to the lack of effective complaint mechanisms (6.8%) and insufficient protection for whistleblowers (7.6%). Citizens seem to see the lack of clear information, simple procedures and guarantees of protection as key obstacles to fighting corruption. Likewise, the limited capacities of institutions for investigation and prosecution (7.5%) and the lack of coordination between

institutions (5.0%) testify to the perception that the current mechanisms are fragmented and inefficient, creating spaces for impunity.

115. A portion of citizens also highlight the lack of public education and information about rights (7.9%), suggesting that corruption often flourishes where citizens are not aware of the legal and institutional instruments, they can use to protect themselves. Citizens also express different attitudes about the level of cooperation with institutions to detect and prevent corruption. A significant portion (29.5%) believe that this cooperation is completely absent, while almost a third believe that it is complete. Furthermore, 27 percent see it as partial or somewhat present.

Results from interviews with Institutions

116. For a comprehensive treatment of the topic of corruption and its impact on human rights, in addition to the perceptions and experiences of citizens, it is important to analyse the institutional perspective. For this reason, 19 interviews were organized during this research with representatives of institutions and organizations, including independent oversight bodies, rule of law agencies, judicial institutions, human rights organizations and civil society organizations. The following findings result from the interviews conducted.
117. Interviews with representatives of public institutions, the media and civil society organizations reveal a clear picture: corruption in Kosovo is a present phenomenon and has a direct or indirect impact on human rights. In addition to bribery, corruption manifests itself in the form of favouritism, nepotism, clientelism and abuse of official duties, thus affecting the fundamental rights to access public services, health, quality education, employment and a clean environment.
118. **The health sector** is among the most affected by corruption. The low salaries of public officials and the low level of digitalization of administrative processes create space for abuse of official duty. Interviews highlight cases where patients are asked to pay bribes for faster treatment, while those who do not pay are forced to wait in long lines. As a result, equal access to health services is severely violated, so for many citizens, payment under the table has become a normalized practice, supporting the findings of the citizen survey. For other people who file a complaint, the case is reviewed by the competent authorities and if there is sufficient evidence, the necessary measures are taken such as: fines with payment, written reprimands, or a change of job for the official who has abused his or her duty. Unfortunately, in most of the reported cases, the evidence is not sufficient to prove corruption, but favoritism between inspectors and health staff also hinders the timely and proper resolution of cases. Given these problems, citizens mainly report cases that can be easily verified and immediately sanctioned, such as violations of working hours and unprofessional behaviour of staff.
119. **The right to employment** is also among the fundamental rights most affected by corruption in Kosovo. Nepotism and favouritism limit fair competition and avoid meritocracy in employment and career advancement. Furthermore, the high presence of corruption in the labour market causes many employers to fail to respect workers' rights guaranteed by law, including non-compensation for overtime, weekends and holidays; non-granting annual and medical leave; working without a contract and denial of maternity leave payment. While corruption does not have a direct impact on the implementation of labour law, it has an indirect impact through the silence of cases reported due to corrupt practices by inspectors

and relevant employers. Such actions, in addition to reducing citizens' discouragement, also increase their distrust in the functioning of competent bodies. Some of the interviewees express their concern that these behaviours are among the main factors that have contributed to the mass migration of young people who do not see professional prospects in the country.

120. The presence of corruption in employment also affects the right to quality education. If education officials are hired without merit, this follows many generations of students who suffer from teachers who are inadequate for their positions. **The failure to provide quality education** is discouraging and demotivating for students and is against every legal and constitutional guarantee within the country. Unfortunately, this remains a very present phenomenon in our society and reveals the indirect impact of corruption on students' rights to quality education. The indirect impact also appears in cases where public money is misused in such a way as to deny the construction of new school buildings, limiting access to adequate infrastructure. In addition, corruption also has a direct impact on education, especially in cases where students are denied equal access to scholarships, participation in conferences and working groups, unequal treatment in the application process for an educational institution, as well as receiving grades without merit. Although the number of reported cases has significantly decreased over the years, we do not rule out the presence of this phenomenon in Kosovo. Furthermore, the lack of education inspectors makes it difficult to identify and resolve cases.
121. Citizens, in addition to the right to employment, healthcare, and education, also have the right to **a clean environment. and healthy life.** In fact, this right is among the most important, with a direct impact on the physical and mental health of citizens. Corruption has a major impact on the quality of the environment in which we live, and is manifested through the malfunctioning of institutions, misuse of public funds, the issuance of environmental and construction permits without a plan, delays in processing cases and the lack of institutional competencies. These weaknesses contribute to the degradation of the environment, water, the lack of maintenance of public spaces, and waste that hinders the functioning of daily activities. From the interviews conducted, it is understood that there are many perceptions by citizens that the misuse of official duty most often appears in the issuance of environmental and construction permits. The relevant institutions state that environmental permits are within the parameters provided for by law, and that they do not risk environmental degradation. In those cases where there was concern about misuse, the necessary measures were taken to stop the activity of companies until the problem was resolved. Regarding the number of corruption reports, the number has decreased over the years, but even in this respect, the lack of an effective number of inspectors makes it difficult to handle cases in a satisfactory time. Despite the existing mechanisms, there is a lack of harmonized inter-institutional coordination between the bodies responsible for environmental care. This lack of coordination has resulted in reported cases either being dropped, or the procedure being prolonged to the point of administrative silence, or corrupt officials not being fined for their actions. The lack of a division for measuring financial damage means that citizens are not paid the real value of the damage, always because the minimum value of the damage caused is taken. Also, the lack of punitive mechanisms against corrupt actions of staff raises questions about the integrity of public officials in handling cases.

122. Regarding **access to public administration**, the digitalization of administrative processes reduces the opportunities for corruption, as it avoids meetings between parties, and provides equal access to all citizens. Digitalization is seen as the most effective method in preventing corruption and is among the main recommendations of many institutions interviewed.
123. Despite the above-mentioned cases about the presence of corruption in various sectors, all institutions have whistleblower officers, platforms, hotlines for calls and reports via email and physical reports, always maintaining the confidentiality of the parties. This enables citizens to report their concerns about corruption or any other misuse of official duties at any time. Cases received from these platforms, after review and assessment, are sent to the competent bodies, which deal with the further development of the case. During the interviews, the continuous cooperation of institutions with the Agency for the Prevention of Corruption and the judicial system was evidenced, emphasizing that there is a will to prevent and combat corruption. However, the long period for resolving a case remains a challenge, causing citizens to often turn to media organizations to speed up the process. However, media organizations also face their own challenges, as some fail to provide access to public documents, making the process of handling the case further difficult, while in other cases, media outlets may be internally politicized, raising questions about media integrity in the country.

Table 7 Main findings from interviews with institutions. Source: Interviews conducted by Riinvest Institute, 2025

Human rights	The impact of corruption	Active measures	Recommendations
The right to health	- Citizens who have been denied the right to treatment in cases where they have not paid a bribe; - Unnecessary prolongation of health procedures; - Non-respect of working hours; - Recommendation from the doctor for a check-up in a private office, even for services provided in public healthcare; - Lack of proper planning of the budget allocated for medicines;	- Open reporting line, which fully preserves the confidentiality of the reporter; - Measures are taken against the offending party such as written warning, fine or change of workplace; - Integrity plan and whistleblower who deals with reported cases;	- Increasing inspectors' salaries reduces incentives for corruption; - Health inspectors must be selected from the fields provided for by law: pharmacists, doctors, or dentists; - Digitalization of administrative procedures; - The Agency for the Prevention of Corruption should handle the reported cases since they are more competent; - Financial incentives for whistleblowers;
Right of access to public administration	- Delay in handling the case; - Payment for	- Online platform and email for filing complaints;	- Extension of the time limit that allows for the treatment and closure of

	accelerating the procedure; - Unequal treatment of cases;	- Application for filing complaints; - Immediate handling of the case and transparency throughout the procedure; - Officer for conflict of interest, prevention of corruption and gifts;	the case; - Training citizens about their rights and the impact that corruption has on them; - Amendment of the law on the protection of whistleblowers; - Training for staff on the whistleblower protection law; - Digitalization of administrative services;
The right to education	- Students who have been denied the right to a scholarship due to clientelist interventions; - Parents who pay for their children's school enrollment or for passing exams; - Lack of educational facilities due to misuse of public funds; - Lack of provision of quality education as a result of employment without meritocracy;	-The whistleblower and integrity plan are present in educational institutions; - Online line, email and the possibility of physical reporting of cases;	- Increase in the number of education inspectors; - Monitoring of law enforcement should be strengthened;
The right to employment	- Individuals who have been denied employment or advancement due to nepotism; - Unmeritorious employment; -Violation of worker rights guaranteed by labour law, and closure of the case due to corruption of inspectors;	disciplinary procedures; -Toll-free line for reporting, physical and electronic complaints;	- Training on inspector integrity; -Creating a better mechanism supervisor; - Digitalization of the inspection process;
The right to a clean	- The degradation of the environment,	- Electronic line and email where citizens	- Increase in the number of environmental inspectors;

environment; access to drinking water, and a healthy life	water and air has a direct impact on the quality of life of citizens; - Providing weak water supply pipes, which affects the quality of water supplied to citizens; - Lack of a clean environment as a result of misuse of public funds; - Providing construction and environmental permits that misuse the environment;	express their concerns; - The whistleblower who deals with reported cases; - Transparency in access to public documents; - Budget transparency;	- Faster handling of cases and better access to reporting citizens; - Harmonization of existing laws with each other; - Establishment of a damage assessment division; - Harder financial penalties;
The right to food and rural development	- Unequal distribution of resources; - Unequal access to subsidies; - Loss of trust in the competent authorities;	- The subsidy assessment process is transparent and impartial; - Measures are taken against workers who violate the principles of equality; - Open call line;	- Creation of commissions where citizens have the right to complain;
The right to justice	- It affects the right to a fair trial; - Unequal access to inheritance and transfer of property; - Unequal access to licensing or certification for notaries, bailiffs, financial experts;	- The whistleblower who deals with reported cases; - Exams for notaries and bailiffs have been digitized; - Mutual cooperation with other institutions; - Open line for calls;	- Digitalization of administrative processes; - Providing financial incentives to whistleblowers; - Digitalization of the interview process for notaries and bailiffs; - Better implementation and monitoring of existing laws;

FINDINGS

124. The protection of human rights and fundamental freedoms constitutes one of the fundamental values of the constitutional order of the Republic of Kosovo. However, the findings of this report show that corruption continues to pose a serious obstacle to the effective realization of these rights.
125. Analysis of the legal framework, international standards, survey results, and interviews with institutions demonstrates that corruption directly or indirectly affects a wide range of rights, including the right to health, education, employment, a healthy environment, good administration, and a fair trial.
126. The Ombudsperson finds that citizens have a high level of awareness of traditional forms of corruption, such as bribery, nepotism, clientelism and abuse of official position, although some corrupt practices continue to be tolerated or normalized in everyday life.
127. The findings show that there is a gap between citizens' perceptions of corruption and their concrete experiences. While the judicial system, healthcare and education are perceived as the most affected sectors, direct experiences with bribery are more frequently reported in administrative procedures, the justice sector and in contacts with law enforcement agencies.
128. The Ombudsperson finds that corruption in the health sector violates the right to health and equal treatment, while corruption in the public administration and justice system violates legal certainty, equality before the law and citizens' trust in public institutions.
129. Despite the existence of an advanced legal framework and institutional mechanisms for preventing and combating corruption, their implementation in practice continues to face significant challenges, including lengthy procedures, limited institutional capacities, insufficient inter-institutional coordination, and low levels of citizen trust.
130. The Ombudsperson notes that distrust in the effectiveness of institutions and lack of knowledge about existing reporting mechanisms remain among the main reasons that hinder citizens from reporting corruption cases.
131. Although most institutions have established formal mechanisms for reporting and reporting corruption, fear of retaliation and the perception of a lack of concrete results continue to negatively impact their use by citizens.
132. The Ombudsperson finds that the lack of direct judicial control over the State Prosecutor's decisions to dismiss criminal charges and discontinue investigations in corruption cases increases the responsibility of the prosecution bodies to ensure careful, objective and reasoned treatment of these cases, especially when they are related to allegations of violations of fundamental human rights and freedoms.
133. Findings from the interviews indicate that the digitalization of administrative processes represents one of the most effective mechanisms for increasing transparency, reducing direct contacts between citizens and public officials, and reducing the space for corrupt actions.
134. The Ombudsperson finds that the lack of a State Anti-Corruption Strategy limits institutional coordination and makes it difficult to develop a unified and long-term approach to preventing and combating corruption in Kosovo.

135. Overall, the report shows that corruption remains a structural challenge to the rule of law, the functioning of public institutions and the effective protection of human rights, requiring stronger, more coordinated and more sustainable measures from all responsible institutions.
136. The Ombudsperson, based on what was said above, in accordance with Article 135, paragraph 3, of the Constitution of the Republic of Kosovo: *“Has the right to make recommendations and propose measures, if he notices violations of human rights and freedoms by public administration bodies and other state bodies.”* According to the meaning of Article 18, paragraph 1.2, of the Law on the Ombudsperson, the Ombudsperson: *“[...] has the responsibility to draw attention to cases when authorities violate human rights and to make recommendations to put an end to such cases [...].”*

Therefore, the Ombudsperson

RECOMMENDS

The Government of the Republic of Kosovo:

1. To approve the State Anti-Corruption Strategy and its Action Plan.

Kosovo Judicial Council:

1. Draft periodic reports regarding the implementation of the Supreme Court's Guidelines on Sentencing Policy and make them public.

Agency for the Prevention of Corruption

1. Increase the capacities of the APC to adequately cover all areas related to corruption prevention.

In accordance with Article 132, paragraph 3, of the Constitution of the Republic of Kosovo (*“Every organ, institution or other authority exercising legitimate power of the Republic of Kosovo is bound to respond to the requests of the Ombudsperson and shall submit all requested documentation and information in conformity with the law.”*) and Article 28 of Law no. 05/I-019 on Ombudsperson (*“Authorities to which the Ombudsperson has addressed recommendation, request or proposal for undertaking concrete actions, including disciplinary measures, must respond within thirty (30) days. The answer should contain written reasoning regarding actions undertaken about the issue in question.”*), please kindly inform us about the actions taken regarding the matter in question.

Respectfully,

Naim Qelaj

Ombudsperson